

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference O/PAPCT186	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/KR2004/003149	International filing date (day/month/year) 02 DECEMBER 2004 (02.12.2004)	Priority date (day/month/year) 05 DECEMBER 2003 (05.12.2003)	
International Patent Classification (IPC) or national classification and IPC A23L 1/32(2006.01)i			
Applicant LEE, Hyejin			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

- (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:
 - sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).
 - sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.
- (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____ containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I Basis of the report
<input type="checkbox"/>	Box No. II Priority
<input type="checkbox"/>	Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI Certain documents cited
<input type="checkbox"/>	Box No. VII Certain defects in the international application
<input type="checkbox"/>	Box No. VIII Certain observations on the international application

Date of submission of the demand 04 JULY 2005 (04.07.2005)	Date of completion of this report 22 MARCH 2006 (22.03.2006)
Name and mailing address of the IPEA/KR  Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea Facsimile No. 82-42-472-7140	Authorized officer  JUNG, Jin Wook Telephone No. 82-42-481-8167

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/KR2004/003149

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language English, which is the language of a translation furnished for the purposes of:

international search (under Rules 12.3 and 23.1(b))
 publication of the international application (under Rule 12.4)
 international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:
 pages _____ received by this Authority on _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the claims:
 pages _____ as originally filed/furnished
 pages* _____ as amended (together with any statement) under Article 19
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the drawings:
 pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

the sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets _____
 the sequence listing (*specify*) : _____
 any table(s) related to sequence listing (*specify*) : _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, Nos. _____
 the drawings, sheets _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*) : _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1 - 12	YES
	Claims	None	NO
Inventive step (IS)	Claims	1 - 12	YES
	Claims	None	NO
Industrial applicability (IA)	Claims	1 - 12	YES
	Claims	None	NO

2. Citations and explanations (Rule 70.7)

1. Reference is made to the following documents cited in the International Search Report:

D1: JP 10-146171A

D2: KR 2003-067967A

D3: JP 56-137869A

2. Concerning claims 1-4

D1, compared with the present claim 1, is partially the same in the steps such as stabilizing and perforating the egg, but D1 does not describe the cleaning and sterilizing step; and the raw egg agitation step of agitating the edible composition and the viscois albumen and yolk using agitating means.

D2 is partially the same as the present invention in the step of stabilizing an egg and the step of injecting an air injection needle which is the equivalent of an injecting tube through a perforation of the present claim 1, but it is different from the present claim 1 in the purpose for providing an extracting device for contents of an egg, and in that the position of the injection hole is specified as an upper egg shell, and does not disclose the steps of injecting edible compositions and agitating as disclosed in the present claim 1.

D3 does not disclose the formation of a hole on an egg and the injection of additives which are essential technical features of claim 1.

Accordingly, a person skilled in the art cannot be considered to easily arrive at claim 1 with the teaching of D1-D3, taken individually or in combination. Thus, claim 1 and claims 2-4 dependent on claim 1 are novel and inventive (PCT Article 33(2)-(3)).

Claims 1-4 meet the criteria set out in PCT Article 33(4) and consequently, these claims are considered to be industrially applicable.

See Supplemental Box for the next parts.

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Supplemental Box**In case the space in any of the preceding boxes is not sufficient.**

Continuation of:

V.

3. Concerning claims 5–12

Claim 5 relates to a manufacturing device for the manufacturing method of claim 1. Claim 8 relates to a raw egg manufactured in the method of claim 1. These claims 5 and 8 share the technical feature with claim 1. Thus, they are considered novel and inventive with the same reason of recognizing the inventiveness of claim 1 (PCT Article 33(2)–(3)).

Claims 6–7, which are dependent on claim 5, and claims 9–12, which are dependent on claim 8, are considered novel and inventive (PCT Article 33(2)–(3)).

Industrial applicability is given for claims 5–12 (PCT Article 33(4)).